

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

TERRENCE ADAMS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 2:16-cv-4014
	)	
EXPRESS SCRIPTS, INC.	)	
	)	
Defendant.	)	
_____	)	

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1331, 1441(a), and 1446, Express Scripts, Inc. (hereinafter “Defendant”), files this Notice of Removal to the United States District Court for the Western District of Missouri, Central Division. Removal is proper based on the following grounds:

**I. Facts**

1. On or about December 10, 2015, Plaintiff Terrence Adams (“Plaintiff”) initiated a civil action captioned *Terrence Adams v. Express Scripts, Inc.*, Civil Action No. 15AC-CC00577, in the Circuit Court of Cole County, Missouri (the “State Court Action”). The Petition alleges a single claim of “Adverse Action Violations” under the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq. against Defendant as a putative class action on behalf of Plaintiff and certain other employees and prospective employees of Defendant. The Civil Cover Sheet Associated with this Notice is attached hereto as Exhibit A. True and correct copies of all the process, pleadings, and orders in the State Court Action that have been received by Defendant are attached hereto as Exhibit B.

2. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is timely filed within thirty (30) days after service of process by Defendant. Defendant was served with process

on or about December 14, 2015. *See Exhibit B.*

3. The Defendant has not filed an Answer or other pleading in the State Court Action.

## **II. This Court has Federal Question Jurisdiction**

4. This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1331, which provides that federal courts have original jurisdiction over “all civil actions arising under the Constitution, laws, or treaties of the United States” (“Federal Question”).

5. Plaintiff’s Petition raises a Federal Question in that it expressly alleges that Defendant violated the “Fair Credit Reporting Act,” 15 USC § 1681, et seq., which is a law of the United States. *See Exhibit B, Petition for Damages at ¶¶ 1, 5, 6, 9, 21, 23, 24, 25, 27, 28, 29, 42, 43, 44, 45, 46, 47, 48, and 49.*

## **III. Venue is appropriate in this Court**

6. Removal to this court is proper pursuant to 28 U.S.C. § 1441(a) because this Court is the federal district court embracing the Circuit Court of Cole County, Missouri, where the State Court Action was filed. Removal to the Central Division of this Court is proper pursuant to Local Rule 3.1.

7. Defendant submits this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff, including but not limited to improper service of process, improper venue, lack of personal jurisdiction, or Plaintiff’s failure to state any claims upon which relief may be granted.

8. A copy of this Notice of Removal and exhibits hereto has been served upon Plaintiff, and, together with a Notice of Filing of Removal, will be filed with the Clerk of Circuit Court of Cole County, Missouri.

WHEREFORE, Defendant prays that further proceedings in the Circuit Court of Cole County, Missouri, be discontinued and that said Case Number: 15AC-CC00204 now pending in the Circuit Court of Cole County, Missouri, be removed to the United States District Court for Western Missouri, Central Division, and that such Court assume full jurisdiction of such action as provided by law.

Dated: January 12, 2016

Respectfully submitted,

/s/ Kyle B. Russell

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Kyle B. Russell MO#52660

Janelle L. Williams MO#64242

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*ATTORNEYS FOR DEFENDANT*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 12th day of January, 2016, a copy of the above and foregoing was filed electronically via the Court's ECF/CM system and mailed via United States Mail, postage prepaid, to:

Charles Jason Brown  
Jason A. Watkins  
Brown & Associates  
301 S. U.S 169 Hwy  
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*ATTORNEYS FOR PLAINTIFF*

/s/ Kyle B. Russell

AN ATTORNEY FOR DEFENDANT